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In the Circle of the “Culture of Indissolubility”: Family as the First and Fundamental Structure for “Human Ecology”

Abstract: The study aims to prove that one of the most fundamental postulates of the Church—aimed at the state legislator, inscribed in the preamble D of the Charter of the Rights of the Family—to include in the legislative process the truth about the institution of “the family, a natural society [that] exists prior to the State or any other community, and possesses inherent rights which are inalienable” (preamble D of the Charter of the Rights of the Family)—gains in the interpretation of the anthropological trails of Saint John Paul II’s teaching (mainly in the *Centesimus Annus* encyclical and also in: the *Letter to Families*, in *Evangelium Vitae*, and in the *Addresses to the Roman Rota* from the years 2000–2005) the depth of significance and power of expression. It is in the universal “contexts,” often explicitly exceeding the horizon of Church (legal and canonical) issues: first of all, within the context of the presentation of integral ecology, which—both in the ethical and legal perspective—is connected with protection and promotion of common good; secondly, in a particular context of the original address on human ecology; thirdly, in the context of universal paradigm of “culture of indissolubility” (durability of matrimony as a universal good).

In the legal perspective adopted in this study, which refers, first and foremost, to the idea of “sovereignty of family,” all three contexts indeed possible to set apart, however, explicitly complementary—can be boiled down to the latter one. Today, when the message of the Church about ecology is capable of getting wide social response, a consistent presentation of “human ecology” and “culture of indissolubility” postulates, potentially gives a tool for a more effective influence over the shape of legislature promoting family and stating a pro-family policy.

Keywords: family, family crisis, integral ecology, “human ecology,” “culture of indissolubility,” sovereign family, legislation for the protection of identity and sovereignty of family

Introduction

“In the first place, the family achieves the good of ‘being together.’ This is the good of marriage par excellence (hence its indissolubility) and of the family community. It could also be defined as a good of the subject as such. Just as the person is a subject, so too is the family, since it is made up of persons, who, joined together by a profound bond of communion, form a single communal subject. [...] Indeed, the family is more a subject than any other social institution: more so than the nation or the State, more so than society and international organizations. These societies [...] possess a proper subjectivity to the extent that they receive it from persons and their families.”¹ This, significant Saint John Paul II’s proclamation from the *Gratissimam Sane* letter of 1994, which due to the concept of “indissolubility” used by the pope within this context complemented with title words from the 2002 Address to the Roman Rota: “The indissolubility of marriage [is A.P.] the good of all constitutes the structure of this study.

The universal character of the quoted papal statements, the meaning of which is strengthened by the paradigm of “culture of indissolubility,” *explicite* delivered in the Rotal address, inscribes well in the subject of scientific contemplation, defined by the means of the title of this volume: “State and Church, promotion of [...] rights.” Indeed, if we accurately illuminate the legal plane of this concept, this universal voice of the Church *ad extra*—in a dialog with society and its political representation (state, international organizations)—resounds particularly resonantly in the Charter of the Rights of a Family (1983), a document which credibly attests to the “the fundamental rights that are inherent in that natural and universal society which is the family.”² It seems enough to refer to universal determinants of European legal culture (the *aequitas* principle)³ is it not true that “the rights of the person, even though they are expressed as rights of the individual, have a fundamental social dimension which finds an innate and vital expression in the family.”⁴ It is not necessary to convince anyone how such a pure and undisturbed *quid iuris* message is needed for the contemporary, civilized world, for societies attached to democratic values.

¹ John Paul II, *Letter to Families Gratissimam Sane* (February 2, 1994), n. 13. Henceforth as GrS.

² Pontifical Council for the Family, *Charter of the Rights of the Family. Introduction*, http://www.vatican.va/roman_curia/pontifical_councils/family/documents/rc_pc_family_doc_20001115_family-human-rights_en.html, accessed December 30, 2016.

³ Cf. R. Sobański, “Ius fori – ius poli,” *Forum iuridicum* 1 (2002), 17.

⁴ Holy See, *Charter of the Rights of the Family* (October 22, 1983), http://www.vatican.va/roman_curia/pontifical_councils/family/documents/rc_pc_family_doc_19831022_family-rights_en.html, accessed: December 30, 2016. Preamble A. Henceforth as CRF.

Indeed, in the face of the disquieting global tendencies to destroy the anthropological paradigms—whose visible effect is the ever stronger process of belittling the natural law in the European legislature (*un processo di denaturalizzazione del giuridico*⁵) what gains strength is the enunciation of the Charter: "The family and society, which are mutually linked by vital and organic bonds, have a complementary function in the defense and advancement of the good of every person and of humanity."⁶ It is here where the "area" of weighty issues, worthy a scientific contemplation, is unveiled. In the same way, as the mentioned Holy See's document remains an invaluable point of reference in the promotion of the rights of a family, however, also in identifying contemporary dehumanization threats (the first chapter), an exceptionally valuable prophetic voice of the Church today, serving for a proper understanding of the dignity and rights of a person in matrimonial and family relations, is the testimony of truth about "human ecology" (chapter two), passed to the world by Saint John Paul II in his encyclical *Centesimus Annus* (1991).

"The rights, the fundamental needs,
the well-being and the values of the family [...]
are often ignored"⁷

John Paul II's esteem, we can claim, is a sufficient reason for the contemporary world to open itself to the post-conciliar 'person-centric' address on the matrimonial and family *communio personarum*. In the Pope of the Family's depiction this address culminates in the truth which claims that the fundamental good of a family—which constitutes its ontic, social, and legal subjectivity—is the "good of 'being together.'" The durability of personal bonds (and in a relationship of the baptized: indissolubility as a fruit of sacramental covenant of love) constitutes fundamental, inherent good of the institution of family.⁸ It is why all other organized people's communities have their own subjectivity, as long as they get it from families.⁹

⁵ F. D'Agostino, "Introduzione al lavoro," in *Identità sessuale e identità di genere. Atti del convegno nazionale dell'U.G.C.I. Palermo, 9–11 dicembre 2010* (Milano: Giuffrè, 2012), 3.

⁶ CRF, Preamble G.

⁷ CRF, Preamble J.

⁸ Cf. W. Góralski and A. Pastwa, „Rodzina suwerenna” – „Kościół domowy”. *W nurcie współczesnej myśli prawnej Kościoła powszechnego i Kościoła w Polsce* (Katowice: Wydawnictwo Uniwersytetu Śląskiego, 2015), 21–26.

⁹ GrS, n. 13.

In order to understand the significance and timeliness of this constataion, it is necessary to contrast the teaching of the pope-teacher of personalism with opinions of experts who occupy themselves with the subject of family, be it the opinion of Professor Tomasz Szlendak, head of the Institute of Sociology, Nicolaus Copernicus University in Toruń. Szlendak, the author of *Family Sociology*,¹⁰ thoroughly conducts an analysis of the phenomenon of impermanence of interpersonal relations; these relations dynamically (since before our eyes) change their character, are ever less stable—as a result hamper or even discourage us from establishing formal relationships. Szlendak, while noticing the crisis of the traditional family structure, simultaneously and in a quite unconventional way delineates, their “new” shape: “We cannot restrict family to a dyad, in which there are not any children subject to taking care of. Apart from the dyad mother-child, which is a biological relation (meaning: stable—A.P.), the remaining dyads as part of various family patterns are only a social construction (and as such they are subject to changes, so they are fluent—A.P.), even the relation with father (it is [...] always ‘presumed’ and ‘social.’)”¹¹ According to Szlendak, such a state of affairs authorizes us to present the definition of a family as follows: “Family is a group of relatives, kinsmen, friend, as well as different actors focused around the parent with a child, most often the mother.”¹²

What stands behind this mysterious concept of “different actors”—in a situation when the fundamental relation—that of the mother and child, is no longer indicated, but instead, the parent-child relation, is not difficult to guess. Let us notice that the quoted definition easily makes room for all kinds of alternative “family” arrangements. Even if the definition excludes interpersonal relations, which do not fulfill the reproductive function (and let us remind that today next to this function, there are the following ones: socializing, protective, emotional, sexual, economic, stratificational, identificational, integrative, and control, or recreational and social) then what successfully falls into the quoted definition are the so-called homo-families, in which same-sex partners bring up children, or patchwork families (i.e., reconstructed families, in which at least one child is not a child of the couple that brings him or her up), or even more complex multi-family arrangements; not to mention family cohabitation, or the so-called LAT (Living Apart Together) families.

We can see how explicitly this “modern” (or, if we prefer: “postmodern”) depiction of a family differs from the classic depictions of a nuclear family with a husband and wife (parents) and children. Are we supposed to accept the fact that the classic definition—like the one which claims that the nuclear family is a fundamental, elementary social bond, which comprises parents, their chil-

¹⁰ Tomasz Szlendak, *Socjologia rodziny. Ewolucja, historia, zróżnicowanie* (Warszawa: Wydawnictwo Naukowe PWN, 2011), 542.

¹¹ Ibid., 113.

¹² Ibid., 114.

dren, also these adopted; a group in which parents are connected by means of a matrimonial bond, while parents with children—by a parental bond, is slowly disappearing from sociology course books?

It is not the end, though. According to Professor Szlendak, reliable sociological research leave no room for doubt—the transformation of the family and the decline of its roles in social life is inevitable: “deprived of many functions, the family ceases to be functional towards society—therefore, it automatically discontinuous to be useful and good”¹³; the fundamental functions of a family are taken by specialized institutions, which fulfill these functions in a better way.

A different expert, teacher, and sociologist from the University of Silesia Maciej Bernasiewicz, in his interesting recent study (2015), presents an image of a contemporary family—in the conflict of normative paradigms, dictated by new social facts. And these are: fluidity of the known family forms (with reference to the concept supported by the promoter of postmodernism Zygmunt Bauman) or also—if we stick to the convention of late modernism of Anthony Giddens, with an exemplary radical thoughtfulness—the fact that family structures are subject to inevitable processes of redefining and reforms.¹⁴

Contrariwise to Szlendak, since not only with a cold distance of a researcher into social phenomena, but also with a perceptible disquiet and concern of an educator, Bernasiewicz writes about the dangerous trends transforming the traditional model of the matrimonial family into its extramatrimonial forms that seems to be posing a threat to the institution of the family: “The crisis of the Judeo-Christian, nuclear family, Maciej Bernasiewicz claims, is visible within the area of social practice and theory, that is:

- in the increased popularization in social life practice of new “families” on a so far unprecedented scale;
- in challenging by sociology the “normalcy” of a nuclear family (validating non-nuclear families) by postmodern sociology;
- in an increasing number of divorces, violating in a common estimation the reliability of this social institution;
- in decreasing fertility (ever weaker procreative motivation);
- in decrease of family value to the benefit of different cultural ends (consumption and fun, professional career).”¹⁵

Therefore, is it surprising that Karol Wojtyła—John Paul II, solicitous reviewer of disquieting social and cultural phenomena after the 1968 cultural revolution, did not hesitate to speak openly about the crisis of civilization—and its derivative: crisis of the institutions of matrimony and family? It is a generally known fact that the sources of the crisis in the area of value were convinc-

¹³ Ibid., 116.

¹⁴ Maciej Bernasiewicz, “Rodzina w konflikcie normatywnych paradygmatów oraz nowych faktów społecznych,” *Pedagogika społeczna* 14 no. 2, (2015): 88.

¹⁵ Ibid., 89.

ingly diagnosed in the *Veritatis Splendor* (1993)¹⁶ and *Fides et Ratio* (1998)¹⁷ encyclicals, and in a direct reference to the institution of family: in the letter *Gratissimam Sane* (1994). It is in the latter document where we are capable of finding a phenomenological and hermeneutical “matrix,” which constitutes a key to formulating this “crisis” factors/phenomena, also on the legal plane,¹⁸ namely, the existence of antinomy between individualism and personalism.¹⁹

The message embedded in the pope’s teachings is easy: the individualistic culture that is spreading in the postmodernist world appears to be a radical contradiction of personalism.²⁰ If, thus, the basis of the social order is a human being in his or her inalienable dignity of being shaped “in God’s own image,” then it is owing to the typical for individualism amputation of the transcendental dimension of human being’s dignity—*nota bene* nowadays set on a pedestal in beautiful platitudes, which usually prove to be void—that it loses its most valuable guarantee. As John Paul II teaches in the *Centesimus Annus* encyclical “The denial of God deprives the person of his foundation, and consequently leads to a reorganization of the social order without reference to the person’s dignity and responsibility [*personae humanae*—AP].”²¹

Therefore, in the *Charter of the Rights of a Family*, next to the postulates and principles for legislation,²² the Holy See formulated (by no means unnecessarily!), a prophetic *credo* concerning the defense of the fundamental social institution: “The Catholic Church, aware that the good of the person, of the society and of the Church herself passes by way of the family, has always held its part of her mission to proclaim to all the plan of God instilled in human nature concerning marriage and the family, to promote these two institutions and

¹⁶ Cf. John Paul II, Encyclical Letter *Veritatis Splendor* [August 6, 1993], chapter II: “Do not conform to the pattern of this world” (Roman 12:2), nn. 28–83. Henceforth as VS.

¹⁷ Cf. John Paul II, Encyclical Letter *Fides et Ratio* [September 14, 1998], nn. 86–91. Henceforth as VS.

¹⁸ Ioannes Paulus II, “Allocutio ad Romanae Rotae praelatos auditores” [January 27, 1997] *Acta Apostolicae Sedis* 89 (1997), 488, n. 4; In the monograph *Matrimonio y familia*, canonists Jorge Miras and Juan Ignacio Banares—after synthetical albeit instructive remarks concerning the sources of the contemporary marriage and family crisis (with an emphasized destructive impingement of the *gender ideology*, in the chapter entitled *Matrimonio y familia bajo la presión cultural*)—accurately defined the “keys” to the understanding of the mentioned crisis: (a) el rechazo del realismo; (b) el positivismo jurídico; (c) el relativismo moral y el individuo como absoluto; (d) la libertad como pura opción J. Miras and J. I. Banares, *Matrimonio y familia. Iniciación Teológica* (Madrid: Rialp, 2007), 22–32.

¹⁹ GrS, n. 14.

²⁰ Cf. John Paul II, “Allocutio ad Romanae Rotae praelatos auditores” [January 27, 1997], 488, n. 4.

²¹ John Paul II, Encyclical Letter *Centesimus Annus* [May 1, 1991], n. 13. Henceforth as CA.

²² Pontifical Council for the Family: *Charter of the Rights of the Family. Introduction*.

to defend them against all those who attack them.”²³ Since it is crucial to ask what do the contemporary aspirations of pseudo-reformers, demiurges of new social reality, have in common with personal human good and concern for his or her integral development? First of all, not uncommonly under the “guise” of personalistic ideas, they conduct a de facto reformation of such elementary concepts as “love,” “freedom,” “sincere gift,”²⁴ to subsequently, under the “banner” of the new theory of *gender*,²⁵ institutionally encased (*gender mainstreaming*, *gender studies*) and widely promoted, aim at redefining matrimony and family as well.²⁶

Such a situation motivates the advocates of real humanism: lawyers (philosophers of law, civil lawyers)²⁷ and canonists,²⁸ to challenge a problem clearly defined by the Church: “the rights, the fundamental needs, the well-being and the values of the family [...] are often ignored.”²⁹ The solemnity of the situation is well reflected by the questions that the abovementioned law communities have to confront with, like: “what family?”³⁰ or “family or families?”³¹ At the same time, what does not disappear from the field of vision is a fundamental issue: to what extent do gender and queer theories constitute an ideological back-up³² for dangerous, in their consequences, legislative decisions in contemporary democratic states of law?

²³ CRF, Preamble L.

²⁴ Carlo Caffarra, *Podstawy doktrynalne rodziny*, in *W trosce o dobro małżeństwa i rodziny*, vol. 2: “Rodzina: serce cywilizacji miłości”. Akta Międzynarodowego Kongresu Teologiczno-Pastoralnego z okazji I Światowego Spotkania Rodzin z Ojcem Świętym, Rome, 6–8 October 1994, ed. M. Brzeziński (Lublin: Wydawnictwo KUL, 2011), 44.

²⁵ Judith Butler, *Gender trouble: feminism and the subversion of identity* (New York: Routledge, 1990).

²⁶ See “Mężczyznę i niewiastę stworzył ich.” *Afirmacja osoby ludzkiej odpowiedzi nauk teologicznych na ideologiczną uzurpację genderyzmu*, ed. A. Pastwa (Katowice: Księgarnia św. Jacka, 2012).

²⁷ See, for example, Laura Palazzani, “Il matrimonio istituzione di diritto naturale. La questione della identità di genere e della diversità sessuale nella famiglia,” in *Studi in onore di Giovanni Giacobbe*, ed. Giuseppe Dalla Torre, vol. I: *Teoria generale, Persone e Famiglia* (Milano: Giuffrè, 2010), 675–93.

²⁸ Giuseppe Dalla Torre, *Identità sessuale e diritto canonico*, Studi Cattolici 55 (2011), 168–76; Cire Punzo, *Questioni di genere e profili giuridici e canonici dell'identità sessuata* (Capua: Artetetra Edizioni, 2016).

²⁹ CRF, Preamble J.

³⁰ Laura Palazzani, *Il matrimonio istituzione di diritto naturale*, 675–76.

³¹ Laura Palazzani, *Famiglia o famiglie? Tra gender theories e ritorno del diritto naturale*, in: *Diritti delle donne, diritti umani, voci di donne*, ed. M. R. Costanza (Roma: Editori Riuniti Univ. Press, 2009), 201–28.

³² See a critical depiction of new “family models” from the point of view of a law philosopher—Gabriella Gambino, *Le unioni omosessuali. Un problema di filosofia del diritto* (Milano: Giuffrè, 2007), 115–76.

It is obvious that in the face of such solemn civilizational challenges (indeed this compartmentalization is not really an exaggeration), the legal community, and first and foremost the bodies directly responsible for the shape of the legislative process and state family policy can count on repeatedly renewed—reflecting the spirit of the times!—anthropological and ethical testimony of the Church *de matrimonio et familia*. That is how we should perceive the Saint John Paul II's paradigmatic idea included in the title of this study: “family the first and fundamental structure for ‘human ecology.’”

Towards “a Correct Understanding of the Dignity and the Rights of the Person”³³

“Authentic democracy is possible only in a state ruled by law, and on the basis of a correct conception of the human person. It requires that the necessary conditions be present for the advancement both of the individual through education and formation in true ideals, and of the “subjectivity” of society through the creation of structures of participation and shared responsibility.”³⁴ This well-known passage from the fifth chapter of the already quoted encyclical *Centesimus Annus* entitled “State and Culture” explicitly indicated the anthropologic paradigm as an irreplaceable foundation of individual and society subjectivization. Although the concepts postulated by means of this paradigm, namely: ethos (with a central axis located around the relations: the good of a person—common good) and law (according to the rule: “the rights of the person [...] finds an innate and vital expression in the family”³⁵), should be, at first, referred to the state and its legal order, then the institution of the family, which constitutes *ex natura* the area of the said “subjectivization,” does not disappear from the magisterial horizon, defined by Saint John Paul II, even for a moment. Indeed, it is worth to repeat once again, “the family and society, which are mutually connected by vital and organic bonds, have a complementary function in the defense and advancement of the good of every person and of humanity.”³⁶ That is why the inalienable responsibility—shared by state and family—for personal good of an individual and common good is invariably “[...] a point of reference for the drawing up of legislation and family policy, and guidance for action programs.”³⁷

³³ CA, n. 47.

³⁴ CA, n. 46.

³⁵ CRF, Preamble A.

³⁶ CRF, Preamble G.

³⁷ Pontifical Council for the Family, *Charter of the Rights of the Family*. Introduction.

It is worth to ask the question why calling into doubt the mentioned anthropological paradigm (which guarantees a proper understanding and affirmation of dignity and rights of a person) is so dangerous? The clou of the problem lies in a fundamental cognitive discordance concerning *persona humana*, that is, in the discrepancy between: superficial perception, ideologicalized (usually contaminated with nihilism and utilitarianism³⁸) and a humanistic integral perception. How serious is *in concreto* the threat (posed for matrimony and family) connected with the egotistic/egocentric individualism, we can easily construe from John Paul II's criticism³⁹ of two characteristic attitudes: utilitarian freedom and utilitarian happiness. In the first case it is about—based on ethical relativism—freedom without responsibility. Such an attitude captivates human beings and is an antithesis of love, since as a rule, it hinders the disinterested personal gift,⁴⁰ which is embedded at the foundations of matrimonial and family communion, hence the realization of the ethos of a "personalistic norm."⁴¹ In turn, an individualistic, utilitarian pursuit of "happiness" signifies a permanent quest for pleasure, when each short-term fulfillment "makes happy" self-centered (egoistic) individuals regardless of "the objective demands of the true good."⁴² Therefore, let us recapitulate after John Paul II, individualism, which yields consumerist and antinatalistic mentality that annihilates the institution of matrimony and family, is in its core not a "civilization of persons," but a "civilization of things"⁴³ instead.

Not without reason, in 2004 John Paul II in his second to last address to the Roman Rota included a universal appeal—not only *ad intra* to the shepherds of the Church and workers of Church judiciary, but also *ad extra* to the wide circles of lay recipients: institutions and people responsible for the shape of legislation

³⁸ See C. Caffarra, "Matrimonio e visione dell'uomo," *Quaderni Studio Rotale* 1 (1987): 35–40.

³⁹ It is possible to trace philosophical analysis of individualism in the "classic" work of the teacher of personalism—Karol Wojtyła, *The Acting Person* [Analecta Husserliana. The Yearbook of Phenomenological Research, vol. 10], trans. A. Potocki. Dordrecht: D. Reidel Publishing Co., 1979 (part 4: *Participation*, § 4: *Individualism and Anti-Individualism*), 271–76.

⁴⁰ "Individualism presupposes use of freedom in which the subject does what he wants, in which he himself is the one to 'establish the truth' of whatever he finds pleasing or useful. He does not tolerate the fact that someone else 'wants' or demands something from him in the name of an objective truth. He does not want to 'give' to another on the basis of truth; he does not want to become a 'sincere gift.'" John Paul II, Letter to Families, n. 4, quoted in: GrS, n. 14.; Cf. Ioannes Paulus II, *Allocutio ad Romanae Rotae praelatos auditores* [January 27, 1997], 488, n. 4.

⁴¹ Karol Wojtyła, *Miłość i odpowiedzialność* (Lublin: Wydawnictwo Towarzystwa Naukowego KUL 1986⁴¹), 41–45. More on this topic: Andrzej Pastwa, "Przymierze miłości małżeńskiej" *Jana Pawła II idea małżeństwa kanonicznego* (Katowice: Wydawnictwo Uniwersytetu Śląskiego, 2009), 32–41.

⁴² GrS, n. 14.

⁴³ Cf. GrS, n. 13.

that would protect (secure) the identity and sovereignty of⁴⁴ the institution of family. This peculiar testament of the Pope of the Family comes down to one, however, crucial *memento*: an inseparable reference point for—the targeted towards the family or concerning it indirectly—activities: lawmaking and application of law, is a metaphysical vision of man or the matrimonial and family bonds. The lack of understanding and accepting this ontological foundation results in the fact that the described primary and elementary institution—insensitive to the great pillar of our civilization—begins to gradually appear as an unrealistic “extrinsic superstructure, the result of the law and of social conditioning, which limits the freedom of the person to fulfill himself or herself.”⁴⁵ Since, it is crucial to bear in mind that an authentic fulfillment of a human person does not mean an “individualistic” going beyond oneself, but opening oneself to communion, simultaneously, with the Holy Trinity (God), with other people (neighbors) and with the entire nature (space). The real affirmation of human dignity, motivated by the concern for his personal good and integral development—is nothing else but creating and strengthening the communion bonds with: God, neighbors (on the plane of connection/unity with God) and with the material world (on the plane of connection/unity with God and neighbors)⁴⁶.

Half a century ago Karol Wojtyła, in his work *The Acting Person*, wrote how alien the individualistic ideas/ideologies of contemporary advocates of advance are when it comes to building these communion relations with the Creator, with neighbors and with the natural world. In the section dedicated to the theory of “participation” he claimed: “Individualism sees in the individual the supreme and fundamental good, to which all interests of the community or the society have to be subordinated [...]”⁴⁷

Therefore, it limits participation

[...] since it isolates the person from others by conceiving him solely as an individual who concentrates on himself and on his own good; this latter is also regarded in isolation from the good of others and of the community. The good of the individual is then treated as if it were opposed or in contradiction to other individuals and their good; at best, this good, in essence, may be considered as involving self-preservation and self-defense.⁴⁸

⁴⁴ A. Pastwa, “Sovereign Family,” *Ecumeny and Law* 2 (2014).

⁴⁵ John Paul II, “Allocutio ad Rotam Romanam habita” (January 29, 2004), *Acta Apostolicae Sedis* 96 (2004): 352, n. 7.

⁴⁶ Cf. VS, n. 13.

⁴⁷ K. Wojtyła, *The Acting Person*, 273; cf. Janusz Mariański, *Problem ochrony środowiska i “ekologii ludzkiej,”* in Jan Paweł II. “*Centesimus annus.*” *Tekst i komentarze*, ed. F. Kampka and C. Ritter (Lublin: Redakcja Wydawnictw KUL, 1998), 335.

⁴⁸ Wojtyła, *The Acting Person*, 273–74.

Let us notice that the shortage of truly interpersonal relations, described by Karol Wojtyła, based on mutual love—say: a situation of personal alienation—has a lot in common with “the culture of the ephemeral,” (a concept from Pope Francis’s *Amoris Laetitia* adhortation),⁴⁹ culture which “prevents a constant process of growth [*personae humanae*–A.P.] (human person).⁵⁰ Meanwhile, the truth about the human person, which the Church promulgates in the spirit of integral humanism (within the area of the model “civilization of love”) is completely different. “Man as a person is an intelligent and free being, who fulfills himself in love, so through the gift of oneself and accepting a personal gift from the other person. He is capable of defining and expressing oneself, and realizes dialogic structure of his nature and in that way, establishing permanent relations, creates communities.”⁵¹ Therefore, an authentic community constitutes an inalienable environment for the development of a human person. The opposite is also true: the developmental potential of every community is embedded in truly interpersonal relations, that is, based on mutual love. Indeed, the elementary norm of social life is precisely love, which constitutes, on the one hand, the crowning of such social life principles as: the principle of fairness, solidarity, helpfulness and permanent aiming at peace, on the other, the only relation that is adequate to the person.⁵² Professor Krzysztof Jeżyna is right when he concludes that the relational and social dimension of humanity needs to be perceived within the context of human person’s subjectivity; that is where the primacy of person in relation to every society explicitly stems from.⁵³ In the already mentioned encyclical *Centesimus Annus* Saint John Paul II writes: “Man receives from God his essential dignity and with it the capacity to transcend every social order so as to move towards truth and goodness. But he is also conditioned by the social structure in which he lives, by the education he has received and by his environment.”⁵⁴

It is not difficult to guess that these papal words introduce us to the very center of the title *Human Ecology*. It is within this context that the famous words are uttered: “too little effort is made to safeguard the moral conditions for an

⁴⁹ “An extreme individualism and freedom understood negatively as a lack of interference, on the side of these who could restrict or hamper the actions of an individual, are mechanisms that lead to destruction and atrophy of bonds, to obliteration of social communication. From the sum of egoisms—without a moral effort—not a single society can be created.” Janusz Mariański, “Problem ochrony środowiska i ‘ekologii ludzkiej,’” in *John Paul II. Centesimus Annus. Text and Commentaries*, ed. F. Kampka and C. Ritter, Lublin: Redakcja Wydawnictw KUL, 1998), 335.

⁵⁰ AL, n. 124.

⁵¹ Krzysztof Jeżyna, *Ekologia ludzka*, in *Ekologia. Przesłanie moralne Kościoła*, ed. J. Nagórny, J. Gocko. (Lublin: Wydawnictwo KUL, 2002), 122.

⁵² Michał Wyroskiewicz, *Ekologia ludzka. Osoba i jej środowisko z perspektywy teologiczno-moralnej* (Lublin: Wydawnictwo KUL, 2007), 151–52.

⁵³ Ibid., 109.

⁵⁴ CA, n. 38.

authentic ‘human ecology.’” While it is already in the fifth issue of Pope Francis’ “ecological” encyclical *Laudato Si* that this important *passus* appears, the echo of John Paul II’s thought explicitly sounds in the fragment from the part preceding the fourth, key and to some extent culminating chapter of the encyclical entitled the *Integral Ecology*. Pope Francis claims: “If the present ecological crisis is one small sign of the ethical, cultural and spiritual crisis of modernity, we cannot presume to heal our relationship with nature and the environment without healing all fundamental human relationships.”⁵⁵

We can ask: Which is the first thing that needs healing? In the answer it is crucial to clearly underline: the ecological crisis arose from the loss of the truth about man. It is not only about falsifying the hierarchy of values, but about something more elementary, that is, a fundamental distortion of the image of human freedom, falsely understood human autonomy. Professor Janusz Nagórny pertinently described this issue when he wrote: “The theological contemplation on ecology sees the final source of ecological crisis in the sinful attitude of the human person, and its overcoming perceives to be only fully possible when man makes a real effort to fight the inclination towards sin.”⁵⁶

No wonder that Pope Francis firmly states: “A correct relationship with the created world demands that we not weaken this social dimension of openness to others, much less the transcendent dimension of our openness to the ‘Thou’ of God. Our relationship with the environment can never be isolated from our relationship with others and with God. Otherwise, it would be nothing more than romantic individualism dressed up in ecological garb, locking us into a stifling immanence.”⁵⁷

That is how the very essence of John Paul II’s idea of “human ecology” manifests itself, idea which announces the title of this study: “Family as the First and Fundamental Structure for ‘Human Ecology.’” The significance of this idea reveals the consecutive “steps” of the papal discourse in the 39th issue of *Centesimus Annus* (it is suffice to quote the first two sentences):

The first and fundamental structure for “human ecology” is the family, in which man receives his first formative ideas about truth and goodness, and learns what it means to love and to be loved, and thus what it actually means to be a person. Here we mean the family founded on marriage, in which the mutual gift of self by husband and wife creates an environment in which children can be born and develop their potentialities, become aware of their dignity and prepare to face their unique and individual destiny.⁵⁸

⁵⁵ Francis, Encyclical Letter *Laudato Si* [May 24, 2015], n. 119. Henceforth as LS.

⁵⁶ Janusz Nagórny, “Teologia ekologii. O prawdziwie chrześcijańskim spojrzeniu na kwestie ekologiczne,” in *Ekologia. Przesłanie moralne*, 197.

⁵⁷ LS, n. 119.

⁵⁸ CA, n. 39.

Making use of Saint John Paul II's teachings in the Letter to Families and the *Evangelium Vitae* encyclical (in which we discover the same context of theological anthropology), the "personalistic" image of ecology, depicted here, get its fuller shape in the recognition of the meaning of formulas that defines family, such as: "sanctuary of life and love," "irreplaceable center of culture of life," or "a school of deeper humanity and social education."⁵⁹

The conclusions that follow from the teachings of Pope John Paul II and Pope Francis are for the state legislator difficult not to appreciate. "Human ecology," which constitutes the very nucleus of "integral ecology," carries a clear message that *persona humana* is capable of achieving full development only in community and owing to a community. These are the roots of the anthropologic, ethic and legal postulates of such a shape of social structures, in which life and dignity of a human person are consistently affirmed in order to provide multiform institutional support to help the human person achieve integral development. In other words, the quoted papal magisterium points towards the role of a state, in which, on the one hand, the democratic political system based on the principles of justice, rightness, solidarity and care for peace, on the other, a family-friendly social, economic and cultural system—constitute important postulates of human ecology.

The question if, in the face of the social significance of the quoted doctrine of the Church, a canonist is able to disregard the issue of the "transmission belt" for the title idea (family the first and fundamental structure for "human ecology")—remains obviously a rhetorical question. If we assume the interference/dialog of Church and secular law (and what follows—the presence of church law in legal culture, both in the ideological sphere and a practical realization of law as well),⁶⁰ it is difficult not to notice a potentially productive role of *ius canonicum* in the subject matter scope. It is how the "program" clou of the last *Address to the Roman Rota* (2005), in which the highest Church legislator connected the teaching about "the intrinsic connection of [canonical—A.P.] norms with Church doctrine"⁶¹ with a universal (!) plea for "the duty to conform to the truth about marriage,"⁶² should be understood. First and foremost, what he had in mind was the leading subject of his last five Rotal addresses, namely: indissolubility of matrimonial bond⁶³; let us add truth, proclaimed earlier in the

⁵⁹ See Góralski and Pastwa, "Rodzina suwerenna"—„Kościół domowy", 30–36, 108–15, 123–40.

⁶⁰ See Remigiusz Sobański, "Prawo kanoniczne a kultura prawna," *Prawo Kanoniczne* 35 (1992), no 1–2, 15–33.

⁶¹ John Paul II, "Allocutio ad Tribunal Romanae Rotae iudiciali ineunte anno" [January 29, 2005], *Acta Apostolicae Sedis* 97 (2005), 165, n. 6.

⁶² *Ibid.*, 164, n. 1.

⁶³ *Code of Canon Law*, can. 1056, 1134, 1141 (henceforth as CIC); *Code of Canons of the Eastern Churches*, can. 776 § 3, can. 853 (henceforth as CCEO).

instructive phrases: “he is good news of the definitive nature of that conjugal love,”⁶⁴ “an indissoluble personal reality, a bond of justice and love,”⁶⁵ or in the formulas which have a particular prophetic and evangelical potential: “indissolubility of matrimony as a common good,” “culture of indissolubility.”⁶⁶ What remains is hope that the significant range and virtue of these formulas—currently in the *ius Ecclesiae* system, also at the level of evangelical testimony *praxis*⁶⁷—will inspire the entities responsible for the normative shape and realization of elementary “ecological” principles of social life in a democratic state.

Today, when the message of the Church about ecology gets a wide social resonance, a consistent presentation of “human ecology” and “culture of indissolubility” postulates (and what we mean here are contemporary “contexts” of the anthropological paradigm promulgated by the Church) potentially gives a tool of more effective impingement on the shape of legislative process promoting family and state pro-family policy. In the times of an ever-deepening crisis of values, the state legislator should bear in mind that complete families, the foundations of which is matrimony—especially these based on an authentic love “inextricably faithful for the good and for the bad,”⁶⁸ connected by the sacrament of matrimony (assuming that it renews and purifies the relations between its members through prayer, magnanimity, spirit of sacrifice, and especially sacramental grace) and taking on a mission of “responsible parenthood”⁶⁹—if only they achieve in the legal order of a democratic state a protection of its sovereignty (family subjectivity), can guarantee an authentic development of a society. The determinants of the latter one will always remain: interhuman justice, peace, solidarity, and widely understood “genuine culture of care for the environment.”⁷⁰

Closing Remarks

The article has made an attempt to demonstrate one of the most important postulates of the Church, directed towards the state legislator, inscribed in the pre-

⁶⁴ John Paul II, “Allocutio ad Romanae Rotae iudices et administratos” [January 21, 2000], *Acta Apostolicae Sedis* 92 (2000), 351, n. 3.

⁶⁵ John Paul II, “Allocutio ad Rotam Romanam habita” [January 29, 2004], *Acta Apostolicae Sedis* 96 (2004), 352, 7.

⁶⁶ John Paul II, *Allocutio ad Romanae Rotae tribunal* (January 28, 2002), 344, n. 7.

⁶⁷ See Sobański, *Prawo kanoniczne a kultura prawna*, 28.

⁶⁸ *Vatican Council II*, Pastoral Constitution on the Church *Gaudium et Spes* (December 7, 1965), n. 49. Henceforth as GS.

⁶⁹ See GS, nn. 50, 51; Paul VI, Encyclical Letter *Humanae Vitae* [July 25, 1968], n. 10.

⁷⁰ LS, n. 229.

amble D of the *Charter of the Rights of a Family*. Moreover, it tried to include in the legislative process the truth about the institution of the family as a "natural relationship, primary in relation to a state or any other different community," which gains in the interpretation of the anthropological trails of Saint John Paul II's teaching (mainly in the *Centesimus Annus* encyclical, and auxiliarily in the *Letter to Families* and in the *Addresses to the Roman Rota* from the years 2000–2005) the depth of significance and power of expression. It is in the universal contexts, often explicitly exceeding the horizon of Church (legal and canonical) issues: first of all, within the context of the presentation of integral ecology, which—both in the ethical and legal perspective—is connected with protection and promotion of common good⁷¹; secondly, in a particular context of the original address on human ecology; thirdly, in the context of universal paradigm of the "culture of indissolubility" (durability of matrimony as a universal good).

In the legal perspective adopted in this study, which refers, first and foremost, to the idea of "sovereignty of family," all three contexts—indeed possible to set apart, however, explicitly complementary—can be boiled down to the latter one. Therefore, in the conclusion it seems reasonable to once again emphasize the value of thought formulated on the basis of the personalistic magisterium of John Paul II, Pope of the Family, giver of two codices (CIC, CCEO).

The "ecological" truth about family appears to be *par excellence* the good of "being together." In other words, the durability of personal bonds constitutes a crucial good of matrimonial and family community. An inalienable part of the Christian address on the human person as well as the matrimonial and family *communio personarum* is a clear message: embedded in an irrevocable act of consent the good of inseparable community of baptized spouses and their children, and in a universal space (not only legal and canonical, but also civil and legal)—the good of a durable institution of the family, is in fact the good of subjectivity. "Just as the person is a subject, so too is the family, since it is made up of persons, who, joined together by a profound bond of communion, form a single communal subject. Indeed, the family is more a subject than any other social institution."⁷²

⁷¹ "An integral ecology is inseparable from the concept of the common good [...]. Underlying the principle of the common good is respect for the human person as such, endowed with basic and inalienable rights ordered to his or her integral development. It has also to do with the overall welfare of society and the development of a variety of intermediate groups, applying the principle of subsidiarity. Outstanding among these groups is the family, as the basic cell of society. [...] Society as a whole, and the state in particular, are obliged to defend and promote the common good." LS, nn. 156, 157. See Wyroskiewicz, *Ekologia ludzka*, 151.

⁷² GrS, n. 13.

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Andrzej Pastwa

Dans la sphère de la « culture de l'indissolubilité » :
la famille en tant que première et fondamentale cellule
de l' « écologie humaine »

Résumé

L'étude constitue une tentative de prouver que l'une des revendications les plus importantes de l'Église—adressée au législateur étatique, inscrite dans la préambule D de la *Charte des Droits de la Famille*, concernant la prise en considération dans la législation la vérité sur l'institution de la famille en tant que relation naturelle, primaire par rapport à l'État et à une quelconque autre communauté—acquiert dans l'interprétation des traces anthropologiques de l'enseignement de Jean-Paul II (notamment dans l'encyclique *Centesimus annus*, et auxiliairement dans *Lettre aux familles* et *Discours à la Rote romaine* des années 2000–2005) une profondeur de signification et une force d'expression. C'est dans les « contextes » universels, sortant décidément en dehors du cadre de la problématique purement ecclésiastique (juridique et canonique) : premièrement, dans le contexte de la présentation de l'écologie intégrale, qui—aussi bien dans l'optique éthique que la juridique—est liée à la sauvegarde et la promotion du bien commun ; deuxièmement, dans le contexte précis de la déclaration originale sur l'écologie humaine ; troisièmement, dans le contexte du paradigme universel de la « culture de l'indissolubilité » (durabilité du mariage en tant que bien universel). Dans la perspective juridique adoptée dans l'article, se référant notamment à l'idée de la « souveraineté de la famille », tous les trois contextes—bien sûr, possibles à séparer, pourtant décidément complémentaires – peuvent être réduits à ce dernier. Aujourd'hui, quand le message de l'Église sur l'écologie peut compter sur une vaste résonance sociale, la présentation conséquente des revendications de l' « écologie humaine » et de la « culture de l'indissolubilité » donne potentiellement un outil permettant d'influencer plus efficacement la forme de la législation promouvant la famille et la politique étatique favorable à la famille.

Mots clés : famille, crise familiale, écologie intégrale, « écologie humaine », « culture de l'indissolubilité », famille souveraine, législation en faveur de la protection de l'identité et de la souveraineté de la famille

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Nella sfera della « cultura dell'indissolubilità »:
la famiglia come prima e fondamentale cellula
dell'« ecologia umana »

Sommario

Nello studio si è cercato di dimostrare che uno dei postulati più importanti della Chiesa nei tempi contemporanei, rivolti al legislatore dello stato, scritto nel preambolo D della *Carta dei Diritti della Famiglia*, di considerare nella legislazione la verità sull'istituzione della famiglia come legame naturale, originaria rispetto allo stato o a qualsiasi altra comunità—acquisisce nella lettura delle vestigia antropologiche dell'insegnamento di san Giovanni Paolo II (principalmente nell'enciclica *Centesimus annus*, e in modo sussidiario nella *Lettera alle Famiglie* e nelle *Allo-cuzioni alla Rota Romana* degli anni 2000–2005), profondità di significato e forza espressiva.

E ciò nei «contesti» universali che escono decisamente dall'orizzonte della problematica puramente ecclesiastica (giuridico-canonica): primo, nel contesto della lezione di ecologia integrale che—sia nell'ottica etica, sia in quella giuridica—è legato alla custodia ed alla promozione del bene comune; secondo, nel contesto particolare del discorso originale sull'ecologia umana; terzo, nel contesto del paradigma comune a tutti gli uomini della «cultura dell'indissolubilità» (durabilità del matrimonio come bene universale). Nella prospettiva giuridica assunta nello studio, che fa riferimento innanzitutto all'idea della «sovranità della famiglia», tutti e tre i contesti—che certamente possono essere distinti, ma che sono decisamente complementari—possono essere ricondotti all'ultimo. Oggi che il messaggio della Chiesa sull'ecologia può contare su una vasta risonanza sociale, la presentazione coerente dei postulati dell'«ecologia umana» e della «cultura dell'indissolubilità» offre potenzialmente uno strumento di influenza più efficace sulla forma della legislazione che promuove la famiglia e la politica pro-familiare dello stato.

Parole chiave: famiglia, crisi della famiglia, ecologia integrale, «ecologia umana», «cultura dell'indissolubilità», famiglia sovrana, legislazione in favore della tutela dell'identità e della sovranità della famiglia